

Assessing GEAR UP Programs to Include Students with Disabilities

Purpose

This document will help you think about ways your GEAR UP program may include students with disabilities. This document will provide an overview of two important areas for you to consider as you design and implement your GEAR UP program. These two areas are as follows.

- Federal laws affecting students with disabilities in the public school system; and
- Assessing GEAR UP programs to ensure access for students with disabilities.

Information contained in this document will not be used to evaluate your GEAR UP program. The information is provided as technical assistance only.

Introduction

The number of students with disabilities transitioning from secondary to postsecondary institutions is increasing each year. The American Council on Higher Education (Henderson, 1999) found in a 1998 study that higher proportions of students with disabilities were enrolling in four-year colleges and universities in 1998 than they had in the past seven years. This significant increase reflects the recognition within the public school system that students with disabilities have academic potential equal to that of their non-disabled peers.

The general population of people with disabilities constitutes the largest minority group in the United States, affecting one-fifth of all Americans. In 1998, one in eleven first-time, full-time freshman entering college self-reported a disability (Henderson, 1999¹). This translates into about nine percent of the total or about 154,520 students entering college (Henderson, 1999).

This rapid rise in the number of students with disabilities attending college presents a promising future for these students. However, many students with disabilities still are excluded from full participation in educational experiences equal to that of their non-disabled peers (Justesen, 2000). This lack of full participation of students with disabilities provides opportunities for GEAR UP programs to fill the gaps and include all students with disabilities who meet GEAR UP standards. Through GEAR UP, more and more students with disabilities attending college will increase.

¹ Since 1966, a national survey of college students is administered to sample large numbers of college freshman each year. This survey is administered by the Cooperative Institutional Research Program and is cosponsored by the American Council on Education and the Graduate School of Education of the University of California at Los Angeles. The purpose of the survey is to profile first, full-time freshmen at the beginning of their college career.

Federal Laws Affecting Students with Disabilities in the Public School System

During the early 1970s through 1990, Congress enacted civil rights and entitlement legislation providing protection on the basis of disability. Among these statutory protections, Congress addressed public education and the rights of students with disabilities.

Of the statutes affecting students with disabilities and public education, three provide useful information for GEAR UP programs. Two are federal civil rights statutes and one is a federal entitlement program that extends certain protections to eligible students with disabilities. They are as follows:

- Individuals with Disabilities Education Act, as amended (IDEA);
- Rehabilitation Act of 1973, as amended (Rehabilitation Act); and the
- Americans with Disabilities Act of 1990 (ADA).

The following provides a broad overview of each statute and the accompanying rules and regulations that most directly impact public school systems. The information presented about these federal laws is to start you thinking about the GEAR UP services you provide and how they may become more inclusive and accessible in helping students with disabilities accelerate their academic achievements.

Individuals with Disabilities Education Act, as amended (IDEA)

IDEA was originally enacted in 1975 and titled the Education for all Handicapped Children Act (P.L. 94-142). The law was reauthorized a number of times, and in 1990 the title was changed to the Individuals with Disabilities Education Act (P.L.101-476). IDEA was most recently reauthorized in 1997 (P.L. 105-17) and retained many of the same requirements established in 1990. IDEA entitles students with disabilities eligible

for services under IDEA to a “free, appropriate, public education” (P.L. 105-17). IDEA ensures that students with disabilities will have individually designed instruction, special education, and related services, when necessary, to meet individual needs and ensures equal educational opportunities (P.L. 105-17).

IDEA requires that students’ needs be in writing (P.L. 105-17). When students’ needs are reduced to writing the document is called the Individualized Education Program (IEP) (P.L. 105-17). Specifically, an IEP must include consideration of the following:

A description of the student’s present levels of educational performance, annual goals, special education and related services to be provided, projected dates for the beginning and end of services, and transition services for youth. The 1997 reauthorized IDEA places more emphasis on involving students with disabilities in the general curriculum and in the general education classroom, with supplementary aids and services that the student needs in order to:

... be involved and progress in the general curriculum...and to participate in extracurricular and other nonacademic activities; and... to be educated and participate with other children with disabilities and nondisabled children... [Section 614(d)(1)(A)(iii)].

IDEA now has a clear intent to strengthen the connection between special education and the general education curriculum. As the Committee on Labor and Human Resources’ (1997) Report [to accompany S. 717] states:

The new emphasis on participation in the general education curriculum...is intended to produce attention to the accommodations and adjustments necessary for disabled children to access the general education curriculum and the special services which may be

necessary for appropriate participation in particular areas of the curriculum...(p.20).

If a student with a disability requires “related services” that is documented in his/her IEP, an opportunity for GEAR UP programs to become involved and share expertise is provided. For example, “related services” that GEAR UP programs may provide include individual tutoring or mentoring. GEAR UP tutors can work with students with disabilities to increase their knowledge of math, English, improve writing skills, or otherwise assist students in areas of academic weakness identified in an IEP.

An IEP may identify a need for “related services” that are typically not associated with traditional academic subjects (P.L. 105-17). For example, an IEP may state a need for a student with a disability to have increased opportunities to socialize with peers or others, or a specific need for assistive technology. Here again, GEAR UP can provide a critical link in service to assist in the academic and social success of students with disabilities. GEAR UP mentors can present positive role models in socializing students with disabilities.

An IEP also may require transition services for students with disabilities beginning at age fourteen (P.L. 105-17). “Transition services” means “a coordinated set of activities for a student, designed within an outcome oriented process that promotes movement from school to post-school activities, including post-secondary education...” (P.L. 105-17). IDEA seeks to combine the resources of as many parties as possible in the students’ educational experiences to ensure successful transitions (P.L. 105-17). Parents, schools, and community resources are combined to meet the needs of students with disabilities attending public institutions of education (P.L. 101-476).

GEAR UP has the potential to pull all of these parties together. GEAR UP can unite parents, schools, and community resources through effective partnership building. Through a combined effort of GEAR UP programs and IDEA requirements, when appropriately applied, students with disabilities will be more effectively served.

IDEA may or may not apply to every student with a disability in your GEAR UP program (P.L. 105-17). IDEA is a situation-specific law that provides equal and effective educational opportunities for eligible students with disabilities on a case-by-case basis (P.L. 105-17). Special education teachers in schools where GEAR UP programs are held will be able to provide detailed information about IDEA and students with disabilities that have IEPs.

Rehabilitation Act of 1973, as amended (Rehabilitation Act)

The Rehabilitation Act provides protection against discrimination on the basis of disability. Title V of the Rehabilitation Act prohibits discrimination on the basis of disability by federally assisted activities and programs (P.L. 99-506).

Section 504 of Title V of the Rehabilitation Act states that no qualified person with a disability “shall be ... denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...” (P.L. 99-506). In 1988, Section 504 was amended. The amended Section 504 made clear that the Rehabilitation Act applied to an entire public institution in which federal assistance is provided to any of its programs. Thus, Section 504 applies to entire public school systems and their programs, including GEAR UP programs (P.L. 93-112, P.L. 95-602, P.L. 99-506; 29 USC 701).

In an effort to help covered entities identify barriers preventing full participation of people with disabilities, the Rehabilitation Act suggests that covered entities “perform evaluations of current policies and practices to identify and correct any that are not consistent with the (Rehabilitation Act)” (P.L. 99-506; 29 USC 701).

The Americans with Disabilities Act of 1990 (ADA)

The ADA was signed into law on July 26, 1990. The ADA is the most sweeping federal civil rights law for people with disabilities in the nation. The law prohibits discrimination on the basis of disability in employment, state and local government services, public accommodations and commercial facilities, telecommunications, and other miscellaneous areas (P.L. 101-336).

Title II of the ADA prohibits discrimination on the basis of disability by state and local government services and their instrumentalities (P.L. 101-336). Title II extends the prohibitions against discrimination established by Section 504 of the Rehabilitation Act.

Title II applies to public elementary and secondary education systems; public institutions of higher education and public vocational education programs also are covered by title II. Public school systems are required to comply with title II because they are considered “instrumentalities” of state government (P.L. 101-336), and requires all activities, programs, and services conducted by public school systems to be accessible to otherwise qualified students with disabilities (P.L. 101-336).

Title II of the ADA requires self-evaluations of all programs, activities, and services to ensure program accessibility (P.L. 101-336). The U.S. Department of Education, Office for Civil Rights is the designated federal enforcement agency for

public elementary and secondary education systems, and public institutions of higher education.

Assessing GEAR UP Programs to Ensure Access for Students with Disabilities

The mission of GEAR UP is to increase the number of low-income students to be prepared to enter, persist in, and successfully complete college (Baird, 2000). GEAR UP grants provide opportunities for participants to acquire the appropriate academic skills, information, financial assistance, and psychosocial support to fulfill this mission (Baird, 2000). To provide the optimal mix of services, it is essential that GEAR UP grantees and staff better understand the students being served (Baird, 2000). This is particularly important when providing services to students with disabilities.

Students with disabilities may require unique services. For example, a student with a hearing impairment may require an interpreter or a student with speech impairments may require an augmentative communication device to participate in their academic and social development. An assessment of GEAR UP program activities is the first step to ensure that the needs of students with disabilities are met.

In assessing GEAR UP programs it is important to remember that not only students with disabilities should be considered, educators, parents, siblings, community leaders, and others who may be participating in GEAR UP activities should be taken into account when planning and implementing GEAR UP programs. Society is becoming increasingly accessible and open to the fact that people with disabilities are active, productive, and contributing members of society. GEAR UP programs can and should be a model program demonstrating a commitment to full access for all participants. An

assessment of your GEAR UP program will help your program become a model for the rest of the nation.

Perhaps the easiest way to assess GEAR UP activities is to conduct a self-evaluation. Federal civil rights statutes and entitlement programs do not require that GEAR UP programs complete self-evaluations separate from the self-evaluations completed by the schools in which services are provided. However, the federal civil rights statutes and IDEA discussed above provide a good reference point as you provide services for students with disabilities. Using these federal statutes may help you bridge any gaps preventing full participation of students with disabilities in your program. A self-evaluation of services and programs, including a review of policies and practices, and their effects, will ensure the maximum extent of accessibility for people with disabilities.

The following checklist may provide guidance in helping you evaluate your GEAR UP activities.

- ✓ Whether physical barriers prevent full access and what actions need to be taken to ensure programs and services are accessible (i.e., installation of ramps to provide physical access, relocation of items such as books in a library to more accessible sites, moving a course taught in an inaccessible building to a building that is readily accessible, etc.).
- ✓ Whether any GEAR UP policies or practices exclude or limit the participation of people with disabilities and, if so, what modifications to policies or practices will be implemented to remove these barriers (i.e., children who use service animals will be allowed to have their service animal with them in all GEAR UP activities).
- ✓ Whether GEAR UP communicates with program participants and members of the public with disabilities in a manner that people with sensory disabilities can use GEAR UP information (i.e., TDD/TTY availability, sign language interpreting, Braille format, large print, etc.).
- ✓ Whether emergency evacuation plans and procedures are adequate to protect people with disabilities (i.e., are areas of rescue assistance provided when necessary).

- ✓ Whether decisions about program activities include participation of people with disabilities (i.e., include parents with disabilities, parents of students with disabilities, and students with disabilities in key decision roles in areas that may directly impact people with disabilities).
- ✓ Whether people with mobility impairments are provided access to GEAR UP meetings (i.e., are public meetings held in buildings with accessible entrances, restroom facilities, etc.).
- ✓ Whether building and construction policies ensure that new construction and alterations conform to the standards for accessible design of local, state, and federal civil rights laws for people with disabilities.
- ✓ Whether measures have been taken to ensure that GEAR UP staff are familiar with relevant civil rights laws and their accompanying rules and regulations for people with disabilities.
- ✓ If participation in GEAR UP programs and activities is unable to be provided, ensure appropriate documentation with justification is provided and reviewed by a committee to prevent bias or stereotyping of people with disabilities.
- ✓ Gain written commitments from all GEAR UP partners, schools, and community organizations to provide equivalent experiences for GEAR UP students with disabilities.
- ✓ Appoint a member of the GEAR UP staff to serve as a liaison for students, parents, and others on disability related matters.

(Disability Rights Education and Defense Fund, Inc., 1993).

Conclusion

Although recent years have witnessed an increase in the number of students with disabilities enrolling in college, (Henderson, 1999) many students with disabilities still do not transition to college successfully (Justesen, 2000). Three federal laws provide ways to ensure students with disabilities receive equal educational opportunities. These federal laws provide useful information that can be applied to GEAR UP programs. Assessing GEAR UP programs, services, and activities through a self-evaluation process will identify barriers that prevent full access to students with disabilities. By implementing

results from a self-evaluation, your GEAR UP program will become more inclusive of students with disabilities and GEAR UP staff will become more aware of issues of working with people with disabilities.

For further information about topics covered in this paper see the following websites below:

U.S. Department of Justice ADA Home Page

<http://www.usdoj.gov/crt/ada/adahom1.htm>

The ADA gives the Department of Justice authority to issue regulations for title II and III of the ADA and provide technical assistance and enforcement. The Department has authority to certify that a State or local accessibility code is equivalent to the ADA's requirements for new construction and alterations.

National Council on Disability

<http://www.ncd.gov>

The National Council on Disability (NCD) is an independent federal agency making recommendations to the President and Congress on issues affecting 54 million Americans with disabilities. NCD is composed of 15 members appointed by the President and confirmed by the U.S. Senate. In its 1986 report *Toward Independence*, the NCD first proposed that Congress should enact a civil rights law for people with disabilities. In 1990, the Americans with Disabilities Act was signed into law. NCD's overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, regardless of the nature of the disability.

U.S. Department of Education, Office of Special Education and Rehabilitative Services

<http://www.ed.gov/offices/OSERS/IDEA/>

The U.S. Department of Education helps states and school districts meet their responsibility to provide a free appropriate public education for children with disabilities. Two landmark federal court decisions in the early 1970's established the constitutional right of children with disabilities to equal educational opportunity. In 1975 a federal law, now known as the Individuals with Disabilities Education Act (IDEA), was enacted to provide a framework for appropriately serving these children as well as federal financial assistance to help pay for their education. Today the Department allocates nearly \$3 billion through three state formula grant programs intended to help states meet the developmental and educational needs of over five million children with disabilities from birth through age 21.

U.S. Department of Education, Office of Postsecondary Education

<http://www.ed.gov/offices/OPE/disabilities/index.html>

Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education. This program supports technical assistance and professional development activities for faculty and administrators in institutions of higher education to improve their ability to provide a quality postsecondary education for students with disabilities. Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education is authorized under Title VII, Part D of the Higher Education Amendments of 1998. Grantees in the program will develop innovative, effective, and efficient teaching methods and other strategies to enhance the skills and abilities of postsecondary faculty and administrators in working with disabled students.

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U.S. Census Bureau (1995). *1995 Census Report*.

U.S. Department of Justice (1993). *The Americans with disabilities act title II technical assistance manual covering state and local government programs and services*. Washington, DC.